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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,869	07/08/2002	Ernst Gerber	753-13 PCT/US	1433

7590 01/27/2005

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EXAMINER
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PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/089,869

**Applicant(s)**

GERBER, ERNST

**Examiner**

Vishal Patel

**Art Unit**

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber (CH 684938 A5) in view of Kubala (US. 5,617,879).

Gerber discloses in a collect chuck arrangement of a machine tool comprising a collect chuck housing (9), a collect chuck (17) inserted in the collect chuck housing, a tensioning nut (10), a tool shank (1a) fitted in and fixedly held by the collect chuck, a sealing washer (3a) for sealing the collect chuck arrangement of a machine tool against coolant leakage, the sealing washer having a circular opening (2) for the tool shank and the opening being wider than the diameter of the tool shank (the opening is wider than the diameter of the tool shank, since the washer goes around the tool shank and is clearly seen in figure 1a that the opening is wider than the diameter of the tool shank 1a) to define a cylindrical surface (cylindrical surface of 2) with an annular groove (groove holding the ring 4) in it. An elastic sealing body (4) disposed in the groove and embracing the tool shaft, the groove is deeper than the cross-section of the elastic sealing body such that the sealing body is pressed by coolant against a side wall of the groove. The sealing washer is dimensioned such that an open space exists between the opening and the tool shaft through which open space coolant can flow into the groove and build up pressure therein (this is the case due to clearance 14). The sealing washer is attached to the tensioning nut.

Gerber discloses the invention substantially as claimed above but fails to disclose that the groove is wider than the elastic sealing body and an open annular gap exist between the cylindrical surface and the tool shaft. Kubala discloses a sealing arrangement for a tool, the sealing arrangement having a housing (cap 30) having a cylindrical wall having an opening to receive a shank (member 40 received in the opening of the cap 30), the cylindrical wall having a groove (groove holding 89) which is wider and deeper than a cross-section of an elastic sealing body (o-ring 89) and a gap exist between the shank and the cylindrical wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the groove of Gerber to be wider than the cross-section of the elastic sealing body to have a gap exist between the cylindrical wall and the shank as taught by Kubala, to provide a seal that moves away and toward the shank when needed to reduce the wear of sealing, a seal that has a increasing lifetime (column 2, lines 50-53 of Kubala) and to reduce leakage (column 3, lines 5-10 of Kubala).

### ***Response to Arguments***

3. Applicant's arguments filed 11/1/04 have been fully considered but they are not persuasive.

Applicants' argument that Kubala does not disclose a washer is correct because this is taught by the primary reference of Gerber. Furthermore Kubala is only used to teach that a wider groove for an elastic sealing body provides longer life and reduces wear.

Applicants' argument that Kubala discloses an end cap and not a washer is correct but Kubala is used to only teach that the groove is wider than the cross-section of the elastic sealing

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body to have a gap exist between the cylindrical wall to provide longer life and reduces wear of the sealing arrangement.

Applicants' argument that there is no need to combine the teaching of Gerber with the teaching of Kubala is not persuasive since the combination would provide a sealing arrangement that would provide longer life and reduce wear for the sealing arrangement.

Applicants' argument that Gerber does not disclose the opening being wider than the diameter of the tool shank is not persuasive, since as seen in figures of Gerber that a gap (gap at or near 2) is formed between the washer and the tool shank.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** 703-872-9326, for formal communications for entry before Final action: or,  
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP

January 18, 2005



Heather Shackelford  
Supervisory Patent Examiner  
Tech. Center 3600